

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12970 of Benjamin F. Childs, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) to construct a one story addition to a single family dwelling in an R-1-B District at the premises 4922 Brandywine Street, N.W., (Square 1486, Lot 81).

HEARING DATE: June 20, 1979  
DECISION DATE: July 11, 1979

FINDINGS OF FACT:

1. The subject property is located on the south side of Brandywine Street, N.W. between 49th Street and Western Avenue. The property is zoned R-1-B and is known as 4922 Brandywine Street, N.W.

2. The subject lot has an area of 5477.50 square feet. It is improved with a two story detached residence and a garage which is on the southeastern part of the lot. A public alley sixteen feet wide, borders the property to the rear. Entrance to the garage is via the alley.

3. The applicant proposes to construct a one story addition to a single family dwelling. The addition will be in the eastern side yard and will contain a powder room.

4. The Zoning Regulations require an eight foot side yard in an R-1-B District. The addition which will be ten feet three inches by five feet will reduce the side yard. The applicant needs a variance of five feet which would extend the dwelling within three feet of the existing property line.

5. The lot is rectangular in shape, topographically flat, and is one of a number of similar lots in the area.

6. The existing dwelling is a conforming structure. If granted, the structure with the addition would not be in conformance with the Zoning Regulations.

7. The applicant testified that he and his wife were both more than seventy years old, and that the powder room was to serve their convenience.

8. The applicant presented no testimony or evidence that there was any exceptional, extraordinary or unique condition of the property itself which would qualify the property for a variance.

9. The applicant testified that the abutting property owner to the east did not oppose the application.

10. By letter dated June 18, 1979, Advisory Neighborhood Commission 3E advised the Board that it had voted unanimously not to approve the requested variance. The ANC did not set forth the basis for its recommendation other than the fact that there was no opposition, nor did the ANC present any issues or concerns for the Board's consideration.

11. There was no opposition to the application.

CONCLUSIONS OF LAW:

Based on the Findings of Fact the Board concludes that the applicant requests an area variance, the granting of which requires the showing of a practical difficulty inherent in property itself. The Board concludes that no such difficulty exists in the case, and that the only reason presented by the applicant is for his own personal convenience. While convenience is important to the applicant, it is not a proper basis for the granting of a variance. The Board further concludes that there is nothing extraordinary, exceptional or unique to qualify the property for a variance.

The Board concludes that to grant the variance will be of substantial detriment to the neighborhood. The Board notes that other properties are in compliance with the Zoning Regulations and that there is no reason why the subject property should not remain in compliance. The Board also concludes that the variance will substantially impair the intent, purpose and integrity of the Zoning Regulations and map.

Accordingly, it is ORDERED that the application be DENIED.

VOTE: 4-1 (Walter B. Lewis, Chloethiel Woodard Smith, Leonard L. McCants and William F. McIntosh to deny, Charles R. Norris opposed ).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 10 SEP 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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DECISION DATE: July 11, 1979

DISPOSITION: The Board DENIED this application by a vote of 4-1 (Walter B. Lewis, Chloethiel Woodard Smith, Leonard L. McCants and William F. McIntosh to deny, Charles R. Norris opposed).

FINAL DATE OF ORDER: September 10, 1979

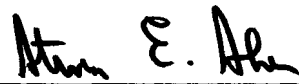
ORDER

The applicant filed a Motion for Reconsideration on September 14, 1979. Section 5.45 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment requires that a Motion for Reconsideration must be carried by four affirmative votes. Upon consideration of the Motion for Reconsideration, a motion by Charles R. Norris to reconsider failed for lack of a second. On a motion made by Walter B. Lewis, seconded by Chloethiel Woodard Smith, the Board DENIED the Motion for Reconsideration by a vote of 5-0 (Walter B. Lewis, Chloethiel Woodard Smith, Charles R. Norris and William F. McIntosh to deny, Leonard L. McCants to deny by proxy).

DECISION DATE: October 3, 1979

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

FINAL DATE OF ORDER: 6 MAR 1980